

1 COOLEY LLP
2 MICHAEL G. RHODES (State Bar No. 116127)
(rhodesmg@cooley.com)
3 JOHN W. CRITTENDEN (State Bar No. 101634)
(jcrittenden@cooley.com)
4 101 California Street, 5th Floor
San Francisco, CA 94111-5800
5 Telephone: (415) 693-2000
Facsimile: (415) 693-2222
6

7 COOLEY LLP
8 PETER J. WILLSEY (*pro hac vice*)
(pwillsey@cooley.com)
9 BRENDAN J. HUGHES (*pro hac vice*)
(bhughes@cooley.com)
10 1299 Pennsylvania Ave., NW, Suite 700
Washington, DC 20004
11 Telephone: (202) 842-7800
Facsimile: (202) 842-7899
12

13 Attorneys for Plaintiffs
14 JACKSON FAMILY WINES, INC. and
LC TM HOLDING LLC
15

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

18 JACKSON FAMILY WINES, INC. and) Case No. CV-11-5639 (EMC) (JSC)
19 LC TM HOLDING, LLC,)
20 Plaintiffs,)
21 v.)
22 DIAGEO NORTH AMERICA, INC. and)
DIAGEO CHATEAU & ESTATE WINES CO.,)
23 Defendants.)
24
25
26
27
28

1 I, Brendan J. Hughes, declare:

2 1. I am a partner with the law firm Cooley LLP, counsel for Jackson Family Wines,
3 Inc. and LC TM Holding, LLC (collectively, “JFW”). Based on my representation of JFW, I
4 have knowledge of the facts set forth in this declaration and testify as follows.

5 2. Pursuant to the Stipulated Protective Order, the parties designated the following as
6 “Confidential” or “Highly Confidential – Outside Counsel Only:”

7 • Exhibit C to Plaintiffs’ Motion *in Limine* No. 1;
8 • Exhibit 1 to Defendants’ Opposition to Plaintiffs’ Motion *in Limine* No. 2;
9 • Exhibits 1, 2, 3, 4, and 5 to Plaintiffs’ Motion *in Limine* No. 4; and
10 • Exhibits 1, 2, and 3 to Defendants’ Opposition to Plaintiffs’ Motion *in Limine* No.
11 4.

12 3. Exhibit C to Plaintiffs’ Motion *in Limine* No. 1 constitutes confidential deposition
13 testimony of Ms. Judith Schwimmer, Vice President, Legal Counsel of Jackson Family
14 Enterprises. In the selected testimony, Ms. Schwimmer discussed Plaintiffs’ confidential
15 trademark prosecution and enforcement policies. Good cause exists to file this testimony under
16 seal as it contains information that, if publicly disclosed, could cause competitive harm to
17 Plaintiffs by providing third parties with access to Plaintiffs’ intellectual property enforcement
18 strategies.

19 4. Exhibit 1 to Defendants’ Opposition to Plaintiffs’ Motion *in Limine* No. 2
20 constitutes a confidential demand letter to a third party. Good cause exists to file the demand
21 letter under seal. The letter contains confidential settlement terms, the public disclosure of which
22 could cause competitive harm to Plaintiffs by providing third parties with access to sensitive
23 business information and potentially giving such third parties an unfair advantage in their
24 dealings with Plaintiffs.

25

26

27

28

1 I declare under penalty of perjury that the foregoing is true and correct to the best of my
2 knowledge and belief.

3
4 Dated: January 30, 2014

5
6 */s/ Brendan J. Hughes*
7 BRENDAN J. HUGHES (*pro hac vice*)

8 Attorney for Plaintiffs
9 JACKSON FAMILY WINES, INC. and
10 LC TM HOLDING, LLC

11 212460 /DC

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28